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Old Attorney Docket No: WIS-3.2.009/3803

New Attorney Docket No.: 103291/42913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Blackman, John A et al.

Serial No. : 09/849,735

Filing Date : May 4, 2001

Examiner : Francis, Faye

Art Unit: 3712

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed October 1, 2002 applicants provisionally elect to prosecute claims 1-12 and 20-28 and provisionally cancel claims 13-19.

In the Office Action dated October 1, 2002, the Examiner set forth a restriction requirement between (1) Claims 1-12 and 20-28 drawn to an inflatable device and (2) claims 13-19 drawn to a method of preventing discharge of a power source. According to the Examiner the inventions are distinct from each other because

[T]he process for using the product as claimed can be practiced with another materially different product. For example, the process steps recited in claim 13 can be used to prevent discharge of a power source of a device which does not have all of the features of the product recited in claim 1 such as an inflatable device.

Applicants respectfully traverse this restriction requirement. To begin, Claims 1-12 are directed to an "apparatus for minimizing current flow in a circuit" similar to Claims 13-19, which are directed to a "method for preventing premature discharge of a power source."

Secondly, applicants respectfully point out that the Examiner's assertion is erroneous. Claim 1 recites an apparatus including, *inter alia*:

an **inflatable device** having an **interior surface**; a **circuit** comprising a **power source** and a **switch** electrically coupled to said power source, said circuit being **coupled to said interior surface**. . . (emphasis added)

Claim 13 recites a method including, *inter alia*:

coupling a **circuit**, including a **power source** and a **switch** electrically coupled to said power source, to a portion of an **interior wall of an inflatable device**. . . (emphasis added)

As illustrated by the emphasized language in each of the above claims 1 and 13 both claims recite the same inflatable device and the same circuit and both claims recite that the circuit is coupled to the interior of the inflated device." Accordingly the Examiner's assertion that the process steps recited in claim 13 can be used "with a device which does not have an inflatable device" is simply contradicted by the claim language. Accordingly, since the claims are not distinct for the reasons asserted by the Examiner, applicants respectfully request that the Examiner withdraw the restriction requirement and proceed with prosecution of claims 1-28.

However should the Examiner deem that further clarification of the record is in order, we invite a telephone call to Applicants' undersigned attorney, to expedite further processing of the application to allowance.

Respectfully submitted,



Date: October 22, 2002

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